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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 710,460	11 10 2000	Ken V. Pandya	206248	5210

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EXAMINER

CINTINS, IVARS C

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 09/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/710,460

Applicant(s)

Pandya

Examiner

Ivars Cintins

Art Unit

1724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

Art Unit: 1724

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-8, 17, 18, 21 and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Deutsch (U.S. Patent No. 482,436). See Fig. 2; page 1, lines 80-85 and 98-100; and page 2, lines 1-2.

Claims 1, 4, 5, 17, 18, 21 and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Weis et al. (U.S. Patent No. 3,730,348). See Fig. 2.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 9, 10, 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deutsch. The reference discloses the claimed invention with the exception of the

Art Unit: 1724

geometric orientation of the orifices in the tube (claims 2 and 3), and the ratio of the total orifice area to the total screen open area (claims 9, 10, 19 and 23). However, the exact geometric orientation of the orifices in the reference tube, and the exact ratio of the total orifice area to the total screen open area in this reference system are not seen to materially affect the overall operation of the reference system, or to produce any new and unexpected result; and are therefore deemed to be obvious matters of choice in design, insufficient to patentably distinguish the claims.

Claims 2, 3, 6-10, 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weis et al. The reference discloses the claimed invention with the exception of the geometric orientation of the orifices in the tube (claims 2 and 3), the shape of the screen (claims 6-8), and the ratio of the total orifice area to the total screen open area (claims 9, 10, 19 and 23). However, the exact geometric orientation of the orifices in the reference tube, the exact shape of the screen in this reference system, and the exact ratio of the total orifice area to the total screen open area in this reference system are not seen to materially affect the overall operation of the reference system, or to produce any new and unexpected result;

Art Unit: 1724

and are therefore deemed to be obvious matters of choice in design, insufficient to patentably distinguish the claims.

Claims 12-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duden (U.S. Patent No. 1,784,893) in view of Deutsch or Weis et al. Duden discloses an ion exchange system comprising an upper manifold, and a lower manifold with distribution nozzles. Accordingly, this primary reference discloses the claimed invention with the exception of the type of nozzle recited. Deutsch and Weis et al. disclose nozzles of the type recited; and it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the nozzles of either secondary reference for the nozzles in the primary reference, since these secondary reference nozzles are capable of distributing and/or collecting a fluid in substantially the same manner as the nozzles of the primary reference, to produce substantially the same results.

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Hart et al. (U.S. Patent No. 5,545,319) shows an ion exchange system having a similar liquid distributor (see Fig. 9).

Serial Number: 09/710,460

Page 5

Art Unit: 1724

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

The fax phone numbers for this art unit are: (703) 872-9311 for "Official" faxes after Final Rejection; (703) 872-9310 for all other "Official" faxes; and (703) 872-9492 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.



Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
September 2, 2002